STATE PERSONNEL BOARD, STATE OF COLORADO

Case No. 2004B138

INITIAL DECISION OF THE ADMINISTRATIVE LAW JUDGE

BRENT TARVER,

Complainant,

VS.

DEPARTMENT OF CORRECTIONS,

Respondent.

THIS MATTER came on for hearing on June 17 and July 8, 2004, in the hearing room of the State Personnel Board, before Administrative Law Judge Mary S. McClatchey. Complainant appeared through counsel, Michael D. Cuccullu. Respondent appeared through Melanie Sedlak, Assistant Attorney General.

MATTER APPEALED

Complainant, Brent Tarver ("Complainant" or "Tarver") appeals his disciplinary termination from employment by Respondent, Department of Corrections, Buena Vista Correctional Complex ("DOC," "BVCC," or "Respondent"). Complainant seeks reinstatement, back pay, and attorney fees and costs.

For the reasons set forth below, Respondent's action is affirmed.

ISSUES

- 1. Whether Complainant committed the acts for which he was disciplined;
- 2. Whether Respondent's action was arbitrary, capricious or contrary to rule or law;
- 3. Whether Complainant is entitled to an award of attorney fees and costs.

FINDINGS OF FACT

- 1. Brent Tarver was hired as a Correctional Officer I (CO I) at BVCC in December 2002.
- 2. The CO I job description contains the following explanation of its basic purpose:

"to provide the first line of contact for all offender activities, which, when

needed, allows for the immediate intervention regarding correcting inappropriate offender behavior; counseling; providing crisis intervention; making inappropriate referrals; controlling the introduction, possession and/or use of contraband; collecting and recording pertinent information; requiring and gaining offender compliance with all Administrative Regulations [and other prison policies] . . . which ultimately leads to the operation of a safer and more secure facility for the public, staff, and offenders." (Emphasis added.)

- 3. Inmates at BVCC regularly approach the correctional officers with requests for contraband, including cigarettes and illegal drugs. It is a routine part of the job for correctional officers to receive these types of requests.
- 4. In mid- to late-January 2004, Tarver was asked by certain inmates to bring drugs into the prison. Although he had always responded, "no," in the past, this time Tarver demurred, indicating he would think about it.
- 5. Within a few days, these inmates approached Tarver again. A discussion ensued, culminating in Tarver providing his post office address to the inmates and his agreement to bring drugs into the facility, in exchange for a portion of the contents sent. (Details are provided below.) Prison authorities were unaware of this incident at the time.

Investigation Based on Confidential Informant's Lead

- 6. In late January 2004, a BVCC inmate who was a confidential informant for prison authorities, notified BVCC staff that a correctional officer had agreed to bring methamphetamine into the complex in return for his receipt of one third of the drugs. He indicated that the drugs were going to be delivered to the staff member's post office box. At this time, the informant did not know the identity of the staff member.
- 7. The confidential informant was reliable and credible. He had provided accurate information about illegal activity in the prison on several previous occasions. Information from this source had resulted in approximately ten criminal prosecutions, and ten to fifteen criminal cases that were pending at the time of this hearing.
- 8. The matter was referred to Chuck Campton, Investigator in DOC's Inspector General's office.
- 9. A few days after the initial tip, the informant revealed to Campton that the Post Office Box number was #4210, in Buena Vista. The informant did not know the name of the individual connected to this post office box.
- 10. Campton investigated the person to whom the post office box was registered, and found it to be Lisa Tarver, wife of CO I Brent Tarver. Prior to receipt of this information, prison authorities had

no reason to suspect Brent Tarver of any involvement in illicit activity. In addition, the confidential informant had no motive to initiate action against Tarver.

- 11. Campton arranged for the Postal Inspector to place a hold on Post Office Box #4210, for any suspicious packages that arrived. Campton also made arrangements with the Colorado Bureau of Investigation (CBI) drug task force in Southern Colorado to assign an officer to the case. The goal was to arrange for a direct contact between Tarver and the undercover CBI officer, for the delivery of drugs. CBI assigned an undercover officer to the case, whose name would be Jennifer. Campton arranged, through the BVCC confidential informant, to provide Tarver with the name and telephone number of Jennifer, to see whether Tarver would contact Jennifer to make a drug transaction.
- 12. Soon thereafter, the confidential informant informed BVCC personnel that a package had been mailed to Post Office Box #4210 that would contain illegal drugs. He reported that methamphetamine would be packaged in balloons, and that the package would also contain marijuana and heroin. It is common to package drugs in balloons, so that visitors and prisoners can hide the drugs in bodily orifices, thereby eluding detection.
- 13. On February 17, 2004, Campton received a phone call from the Buena Vista Postmaster reporting that a package addressed to "B.T." had arrived at P.O. Box #4210. The return address was "Vince Pacheco, 759 Elati, Denver, Colorado." No Vince Pacheco either resided at or was registered to receive mail at that address. No CBI agent, DOC employee, or member of the Buena Vista police department, and no individual known to those involved in the Tarver investigation, mailed a package to P.O. Box #4210.
- 14. On February 18, 2004, Campton received a call from Buena Vista Postal Inspector Paul Tirgan reporting that a drug dog had had a "hit" on the package addressed to "B.T." Tirgan obtained a search warrant for the package. The contents were sent to CBI for analysis. The package contained two cigarettes, four syringes, and three packages of drugs wrapped in the cut-off fingers of latex gloves: 4.4 grams of methamphetamine; 4.6 grams of methamphetamine; and 6.2 grams of marijuana.
- 15. On February 19, 2004, Campton met with members of the District Attorney's office in Salida, Colorado, to organize and plan for surveillance of the package at the Post Office. The box was re-packed, resealed, and placed back in P.O. Box #4210. Campton and a member of the Buena Vista Police Department waited at the Post Office for someone to pick up the package.
- 16. On February 19, 2004, at approximately 11:30 a.m., Lisa Tarver, Brent Tarver's wife, arrived to pick up the package. She had no idea what was in it. As she drove away in her vehicle with the unopened package addressed to "B.T.," she was stopped by police officers. She was advised of the reason she was being stopped, and she agreed to go to the police station for questioning. She also consented to have her house searched.
- 17. After questioning, Lisa Tarver was released. This experience was extremely traumatic for her.

Tarver Arrest and Interrogation

- 18. On February 19, 2004, Brent Tarver was arrested while at work and taken into police custody. Campton and Buena Vista officers read him his Miranda rights, and gave him a written form containing those rights for him to sign. He read and signed the form. He waived his rights and agreed to speak to the officers without counsel present.
- 19. Tarver denied knowledge of the package. He was then placed under arrest. As Tarver was being processed, he requested to speak to one of the police officers again. He was read his rights again, and waived them. Another interview took place. The officers ended that interview. Then, Tarver asked again to talk to them.
- 20. During the ensuing interview, Tarver stated that he had been approached by two inmates to bring drugs into the facility, with last names "L" and "T"1. He stated that at first he told them no. "And then they just kept asking, and then I told them I would think about it." He indicated that this had occurred a couple of months ago, and that he had not informed his supervisors about the conversation.
- 21. Tarver then told the investigators that L and T indicated to Tarver that "they would ship it by mail." He stated that the inmates "asked what my address was, and I just I wasn't gonna tell them. So I had that magazine there." He stated, "I laid it down." Tarver had a hunting magazine with a subscription address label, with his post office address, #4210, on the cover. Tarver placed it on the table and slid it over to inmates L and T so that they could read the label. Tarver thereby gave the inmates access to his personal address, Post Office Box #4210.
- 22. Tarver also told the officers that the inmates had asked him if he was ready, to which he had responded, "and I was like, sure, I guess." The investigators asked Tarver what he would receive in return. Tarver responded, "They said half." Tarver stated that he had responded to the inmates, "What am I gonna do with half of half a deal of dope that I've never that I don't you know, that I don't do?"
- 23. The investigators asked Tarver what type of drugs were expected to arrive in the package. Tarver responded, "They just said some speed. Some some glass."
- 24. The investigators asked Tarver, "You never agreed that you would go along with this deal at all?" Tarver responded, "Yeah, no." When asked, "What?", Tarver responded again, "Yes and no." When asked to explain himself, Tarver stated, "Yes, I told them, yes, or nodded my head, yes. No, I was not gonna do it." The investigator asked, "How did you say it, then? Because there was an agreement made." Tarver stated, "I want to say, he asked me, was I ready, and I was like, sure, I guess." Tarver later repeated that he had nodded his head in agreement.

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¹ Full names are not utilized to protect the identities of the inmates.

- 25. Tarver denied having any prior knowledge that a package would be delivered to his post office box, and further denied any intent to bring drugs into the facility. It is clear from a transcript of this interview that Tarver was surprised the inmates had actually arranged to have drugs sent to his post office box.
- 26. After interviewing Tarver, the officers followed up with inmates L and T. Inmate L agreed to speak to the investigators after being advised of his Miranda rights. L informed the investigator that he knew Tarver and that his previous cellmate, "G," talked to Tarver a lot when he was in the unit. L stated that G had informed him Tarver was supposed to bring in "some stuff."
 - 27. The search of the Tarver residence revealed the following items:
 - A. a handwritten note with the name Jennifer and telephone number on it in the master bedroom drawer [the number provided by the CBI undercover officer];
 - B. a corner of an envelope with a handwritten note stating, "Tell her that you come from Shorty and that you are the guy. Explain to her about the mail. You can trust her and meet her somewhere;" and,
 - C. Handwritten instructions for the manufacture of methamphetamine.
- 28. When asked about the notes, Tarver informed the officers that he had received Jennifer's telephone number from inmate T and that "Shorty" was a friend of inmate L. G was Shorty.

R-6-10 Pre-Disciplinary Meeting

- 29. On March 2, 2004, Tarver and his attorney attended the R-6-10 pre-disciplinary meeting with BVCC Warden Anthony Carochi, the appointing authority, and Jerry Dunbar, Associate Warden. Warden Carochi opened the meeting by reading the entire investigative report issued by Officer Campton. That report contained the information in the Findings of Fact above.
- 30. Carochi also read several pertinent sections of DOC Administrative Regulations (AR's), 1450-1, Staff Code of Conduct, and 1450-36, Employee Drug Deterrent Program.
- 31. Warden Carochi then turned the meeting over to Tarver and his attorney. Tarver's attorney explained that he had only been retained in the case the day before. He stated that due to the fact his client was being arraigned on several criminal charges in relation to the matter that very afternoon, he would advise his client not to answer certain questions. He stated that Tarver could answer some questions.
- 32. Tarver's attorney stated his belief that Tarver had been set up by a former inmate, "W," who had been T's cellmate. He explained that W now lived in Tennessee, and had placed five calls to Tarver's home telephone number right around the time that the package arrived. He also stated that a second package had arrived containing expired diabetic puncture needles for a glucometer.

(Tarver's 8-year-old daughter had diabetes.)

- 33. Tarver's attorney informed Warden Carochi that inmate T had given Tarver the note containing Jennifer's phone number, and that inmate G had approached him as well. During the meeting, Tarver also stated to Warden Carochi that T and G had handed him the notes found at his residence
- 34. Tarver's attorney informed Carochi that on February 19, the interrogating officers had threatened Tarver with taking his child away and placing her in foster care, and with never seeing his wife again, and that due to this pressure he had made up the story he provided to the officers.
- 35. Tarver's attorney also informed Carochi that Tarver had served with a clean record at a correctional facility in Texas, and as a security assistant, prior to coming to Colorado.
- 36. At this meeting, Tarver explained where he had obtained the recipe for methamphetamine. He stated that in July 2003, in the course of conducting a search of an inmate's cell (inmate T.B.), he had found recipes for methamphetamine and other drugs in the inmate's bible. He had also found a powdered form of the medicine, Wellbutrin. Tarver stated he had confiscated all of these items as evidence.
- 37. Tarver's attorney stated that Tarver had kept copies of the notes and the recipe because that was what he had been trained to do. Warden Carochi asked Tarver if he had received training on searches, and if so, had he been trained to turn in anything that he found to the facility, or to take it home with him.
 - 38. Tarver responded that he had been trained to "to take one and keep one for my record."
- 39. After the R-6-10 meeting, Warden Carochi followed up by conducting additional investigation on a few issues. First, he confirmed Tarver's clean record in Texas.
- 40. Second, he pulled the report Tarver had issued on his search of inmate T.B.'s cell and attempted to confirm that Tarver had impounded a copy of the methamphetamine recipe in the evidence repository. Warden Carochi learned that Tarver had failed to record that his search revealed a recipe for methamphetamine, and had neglected to retain a copy of that recipe in evidence at the prison.
- 41. Warden Carochi concluded that he had no choice but to terminate Tarver. He determined he could no longer trust Tarver to enforce the prison rules and regulations; therefore, he posed a danger to the prison community and the public.
- 42. Prior to imposing discipline on Tarver, Carochi sent a copy of his proposed letter to the Human Resources representative for review, in order to assure that his decision was consistent with other disciplinary actions imposed throughout DOC in similar circumstances.

- 43. On March 15, 2004, Carochi terminated Tarver. The eight-page, single-spaced letter contains a detailed description of the investigation leading to Tarver's arrest, Tarver's statements made on February 19, the results of the search of his residence, and some of the statements made at the R-6-10 meeting. The letter concludes that Tarver had violated the following DOC administrative regulations: DOC AR 1450-1, Staff Code of Conduct, Sections I, IV(F), (H), (N), (V), (W), (KK), (TT), and (ZZ), and DOC AR 1450-36, Employee Drug Deterrence Program, Section III(F), Section IV(A), and DOC AR 300-6, Searches and Contraband Control, Sections III(C) and IV(O).
 - 44. Due to the pendency of the criminal case, Tarver elected not to testify at this hearing.

Applicable DOC Administrative Regulations

- 45. The DOC Staff Code of Conduct, AR 1450-1, provides in pertinent part,
 - "It is the policy of the Department of Corrections that staff are to have honesty, integrity and respect for the worth and individuality of human beings as well as strong commitment to professional and ethical correctional service. Staff must constantly strive to live up to the highest possible standards of their profession" Section I, Policy statement.
 - "Staff shall not bring into or carry out of a facility any items for offenders." Section IV(H)
 - "All items received or purchased from offenders, or given to offenders, will be through officially sanctioned and documented channels and will have prior approval of the appointing authority." Section IV(I)
 - "Any action on or off duty on the part of DOC staff that jeopardizes the integrity or security of the Department, calls into question the staff's ability to perform effectively and efficiently in his or her position, or casts doubt upon the integrity of the staff, is prohibited. Staff will exercise good judgment and sound discretion." Section IV(N)
 - "Staff shall not disclose information ranging from personal data concerning staff and offenders to information which would breach security or unduly endanger any person, unless directed to do so by the executive director, or designee. Staff receiving such a request for information will report the inquiring party to their appointing authority. . . ." Section IV(KK)
 - "Illegal possession, manufacture, use, sale, or transfer of a controlled substance is prohibited and may be subject to prosecution, except in the performance of official duties and with the prior written authorization of the Executive Director." Section IV (TT)
 - Any act or conduct, on or off duty, which affects job performance and which tends to bring the DOC into disrepute, or reflects discredit upon the individual as a correctional

staff, or tends to adversely affect public safety, is expressly prohibited as conduct unbecoming and may lead to corrective and/or disciplinary action."

- 46. DOC AR 1450-36 prohibits use or possession of illegal drugs by correctional staff. There is no evidence Tarver used or possessed illegal drugs.
- 47. DOC AR 300-6, Searches and Contraband Control, defines contraband in part as: "Any item that a staff, visitor, or offender is not specifically authorized to have in his/her possession . . . and any item that may threaten the safety and security of a DOC facility, offenders, staff, or visitors"
- 48. AR 300-6 mandates regarding Contraband Storage:
 - that drug paraphernalia and any item that may be evidence in a criminal trial must be "secured in an IGO locked evidence box located in a secure area within the facility until the IG investigator takes custody; and,
 - that all contraband and evidence "will be secured in a facility evidence/contraband location as defined by local operational memorandum," and "will be logged on a contraband log."

DISCUSSION

A. Burden of Proof

Certified state employees have a property interest in their positions and may only be disciplined for just cause. Colo. Const. Art. 12, §§ 13-15; §§ 24-50-101, et seq., C.R.S.; *Department of Institutions v. Kinchen*, 886 P.2d 700 (Colo. 1994). Such cause is outlined in State Personnel Board Rules R-6-9, 4 CCR 801 and generally includes:

- (1) failure to comply with standards of efficient service or competence;
- (2) willful misconduct including either a violation of the State Personnel Board's rules or of the rules of the agency of employment;
- (3) willful failure or inability to perform duties assigned; and
- (4) final conviction of a felony or any other offense involving moral turpitude.

In this *de novo* disciplinary proceeding, the agency has the burden to prove by preponderant evidence that the acts or omissions on which the discipline was based occurred and that just cause warranted the discipline imposed. *Department of Institutions v. Kinchen*, 886 P.2d 700 (Colo. 1994). The Board may reverse Respondent's decision if the action is found arbitrary, capricious or contrary to rule or law. Section 24-50-103(6), C.R.S. In determining whether an agency's decision is arbitrary or capricious, a court must determine whether the agency has 1) neglected or refused to use reasonable diligence and care to procure such evidence as it is by law authorized to consider in exercising the discretion vested in it; 2) failed to give candid and honest consideration of the

evidence before it on which it is authorized to act in exercising its discretion; 3) exercised its discretion in such manner after a consideration of evidence before it as clearly to indicate that its action is based on conclusions from the evidence such that reasonable men fairly and honestly considering the evidence must reach contrary conclusions. *Lawley v. Department of Higher Education*, 36 P.3d 1239, 1252 (Colo. 2001).

B. Complainant committed the acts upon which discipline was based

Complainant committed the acts upon which discipline was based. While Complainant argues that he made up the story he provided to the police officers while in custody on February 19, due to the threats they made concerning his family, this contention is rejected for several reasons. First, both Tarver and his attorney provided information to Warden Carochi at the R-6-10 meeting that corroborated Tarver's statements made on February 19, 2004; they confirmed that T and G had given Tarver the two notes regarding Jennifer and Shorty, found at Tarver's residence. Second, the circumstantial evidence corroborates Tarver's February 19 statements: the only way the inmates could have gained access to Tarver's personal address would have been through Tarver. Finally, Tarver's credibility in general is extremely weak, given his untenable explanation of why he maintained a copy of the recipe of methamphetamine at his residence.

The only possible reason Tarver would have brought home a recipe for methamphetamine found during an inmate cell search, concealing it from DOC instead of including it in his report and assuring its retention as evidence, would be for potential personal use at a future date. His statement to Warden Carochi that he had been trained to keep "one copy of evidence" obtained in cell searches for himself casts his entire defense into doubt. Tarver's possession of this recipe serves as aggravating evidence regarding his intent to bring drugs into the facility on behalf of T and G.

Tarver violated AR 1450-1, Sections IV (H) and (I), in removing the methamphetamine recipe and the two notes from inmates T and G (one with "Jennifer" and the telephone number on it, the other directing him to mention "Shorty") without utilizing officially sanctioned and documented channels at BVCC. These actions raise serious questions about Tarver's intentions. At worst, they reveal he had plans to engage in drug dealing in methamphetamine, at the prison or elsewhere or both. At best, they reveal his unacceptably lax attitude about DOC regulations, and his exceptionally poor judgment.

DOC AR 1450-1, Section IV (N) prohibits any action on or off duty by DOC staff that jeopardizes the integrity or security of the Department or casts doubt on staff's integrity. The regulation further requires that staff exercise good judgment and sound discretion. Tarver violated this regulation in the extreme by engaging in the following conduct:

- giving inmates access to his personal post office box as a means of sending illegal drugs to be brought into the prison;
- agreeing to engage in illegal conduct with an inmate, e.g., to bring inmates illegal drugs sent to his personal post office address;

- failing to report the inmates' repeated attempts to have him bring drugs into the prison.

Tarver also violated AR 1450-1, Section IV (KK) by disclosing personal information, in the form of his address, to inmates.

Tarver's provision of his post office address to inmates and his agreement to bring illegal drugs into the facility compromised prison safety. Even if Tarver never intended to bring the drugs into the facility, the fact that he intentionally gave inmates the impression that he would do so created a serious security threat. He became an immediate target for blackmail by those inmates and all others who would be informed of his misconduct. By allowing himself to become a target for blackmail, Tarver immediately became a corrupted member of the prison population. In order to avoid future action against him, Tarver would have had to continue doing favors for inmates by violating DOC regulations. His continued presence there would ultimately threaten the security of the prison and could have potentially increased the threat of an escape.

Tarver argued that Carochi imposed discipline against him primarily due to the unflattering publicity attendant to Tarver's arrest at the prison, not because of his other actions. Tarver failed to prove this at hearing. While Tarver's arrest reflected poorly on BVCC, it was not the primary factor in Carochi's decision to impose discipline.

C. Respondent's action was not arbitrary, capricious, or contrary to rule or law

The discussion in Section B is incorporated herein. Warden Carochi reasonably relied on the detailed investigation conducted by the IG investigator. He provided Tarver ample opportunity to explain and defend his actions. Carochi considered all information reasonably necessary to make a determination of appropriate discipline. His action was not arbitrary, capricious, or contrary to rule or law.

D. Complainant is not entitled to an award of attorney fees and costs.

Complainant requested an award of attorney fees and costs. Because he has not prevailed in his appeal, he is not entitled to such an award.

CONCLUSIONS OF LAW

- 1. Complainant committed the acts upon which the discipline was based;
- 2. Respondent's action was not arbitrary, capricious, or contrary to rule and law;
- 3. Complainant is not entitled to an award of attorney fees and costs.

ORDER

Respondent's action is <u>affirmed</u>. Complainant's appeal is <u>dismissed with prejudice</u>.

DATED this ___day of August, 2004, at Denver, Colorado.

Mary S. McClatchey Administrative Law Judge 1120 Lincoln St., Suite 1420 Denver, CO 80203

NOTICE OF APPEAL RIGHTS

EACH PARTY HAS THE FOLLOWING RIGHTS

- 1. To abide by the decision of the Administrative Law Judge ("ALJ").
- To appeal the decision of the ALJ to the State Personnel Board ("Board"). To appeal the decision of the ALJ, a party must file a designation of record with the Board within twenty (20) calendar days of the date the decision of the ALJ is mailed to the parties. Section 24-4-105(15), C.R.S. Additionally, a written notice of appeal must be filed with the State Personnel Board within thirty (30) calendar days after the decision of the ALJ is mailed to the parties. The notice of appeal must be received by the Board no later than the thirty (30) calendar day deadline. Vendetti v. University of Southern Colorado, 793 P.2d 657 (Colo. App. 1990); Sections 24-4-105(14) and (15), C.R.S.; Rule R-8-58, 4 Code of Colo. Reg. 801. If a written notice of appeal is not received by the Board within thirty calendar days of the mailing date of the decision of the ALJ, then the decision of the ALJ automatically becomes final. Vendetti v. University of Southern Colorado, 793 P.2d 657 (Colo. App. 1990).

PETITION FOR RECONSIDERATION

A petition for reconsideration of the decision of the ALJ may be filed within 5 calendar days after receipt of the decision of the ALJ. The petition for reconsideration must allege an oversight or misapprehension by the ALJ. The filing of a petition for reconsideration does not extend the thirty calendar day deadline, described above, for filing a notice of appeal of the decision of the ALJ.

RECORD ON APPEAL

The party appealing the decision of the ALJ must pay the cost to prepare the record on appeal. The fee to prepare the record on appeal is \$50.00 (exclusive of any transcription cost). Payment of the preparation fee may be made either by check or, in the case of a governmental entity, documentary proof that actual payment already has been made to the Board through COFRS.

Any party wishing to have a transcript made part of the record is responsible for having the transcript prepared. To be certified as part of the record, an original transcript must be prepared by a disinterested, recognized transcriber and filed with the Board within 45 days of the date of the designation of record. For additional information contact the State Personnel Board office at (303) 894-2136.

BRIEFS ON APPEAL

The opening brief of the appellant must be filed with the Board and mailed to the appellee within twenty calendar days after the date the Certificate of Record of Hearing Proceedings is mailed to the parties by the Board. The answer brief of the appellee must be filed with the Board and mailed to the appellant within 10 calendar days after the appellee receives the appellant's opening brief. An original and 7 copies of each brief must be filed with the Board. A brief cannot exceed 10 pages in length unless the Board orders otherwise. Briefs must be double-spaced and on 8 2 inch by 11 inch paper only. Rule R-8-64, 4 CCR 801.

ORAL ARGUMENT ON APPEAL

A request for oral argument must be filed with the Board on or before the date a party's brief is due. Rule R-8-66, 4 CCR 801. Requests for oral argument are seldom granted.

CERTIFICATE OF MAILING

This is to certify that on the _____ day of **August**, **2004**, I placed true copies of the foregoing **INITIAL DECISION AND NOTICE OF APPEAL RIGHTS** in the United States mail, postage prepaid, addressed as follows:

Michael Cucullu, Esquire 1832 Woodmoor Drive, Suite 200 Monument, Colorado 80132-9065

And in the interagency mail to:

Melanie Sedlak Assistant Attorney General Employment Section 1525 Sherman Street, 5th Floor Denver, Colorado 80203

Andrea C. Woods		